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EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,860

Applicant(s)

SMITH, STEPHEN

Examiner

Naeem Haq

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to the Applicants amendment D, paper number 17, filed on February 6, 2004. Claims 1-22 and 24-50 are pending and will be considered for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-30 recite a system with a processor operable to perform a series of steps. However, the steps are divorced from the processor since there is no tangible medium recited in the claim language which would allow the processor to retrieve the necessary data and store the results of the steps in the claims (see MPEP 2106(IV)(B)(1)).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 1, 3, 4, 6-9, 11, 12, 15-18, 20-22, 25, 26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson et al. (US 6,324,522 B2).

Referring to claims 1 and 17, Wolfe teaches an online system and method, comprising:

- receive a computerized search request message including at least one search criteria (column 6, lines 31-33; column 10, lines 19-24) and a weighting of each criterion (column 4, lines 57-65; column 8, lines 6-21);
- communicate a computerized a search reply message in response to processing the search request message, the search reply message including a list of products matching at least one search criteria including: a list of vehicles matching the at least one search criteria (Figure 15), and a plurality of vehicle configuration parameters of the vehicles matching at least one search criteria, including vehicle identifier, make, model, dealer identifier, price, and color (Figures 3, 4, and 15);
- receive a computerized tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including: the vehicle identifier and a first dealer identifier of a first dealer having the tagged vehicle in inventory (Figure 3, item "302"; Figure 5, items "302", "502", and "508").

Wolfe does not teach a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory. However, Peterson teaches a system and method for distributing information about inventory

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levels among vendors (dealers) wherein a first vendor sells an item to a second vendor out of the first vendor's inventory (Abstract; column 1, lines 35-49; column 4 lines 3-13). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Peterson into the system and method of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to allow a vendor (dealer) to provide a customer with an item that the vendor did not have in its inventory by purchasing the item from another vendor. Wolfe and Peterson do not teach that the second dealer is selected by the user. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to do so. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a dealer that was geographically close to the customer.

Referring to claim 3, Wolfe teaches that the search request message comprises: a request tag, a criteria tag, and a criterion tag providing a dealer identifier (column 4, lines 57-65; column 10, lines 15-29; column 11, lines 1-8).

Referring to claims 4 and 18, Wolfe teaches all the limitations of claims 3 and 17 as noted above. Wolfe and Peterson do not explicitly teach that the criterion tag provides an enumeration of a plurality of attributes each specifying a vehicle configuration parameter, including make, model, year, a close criterion tag, a close criteria tag, and a request tag. However, Wolfe teaches that his system "...guides the user in entering the necessary data to create and submit either a new vehicle purchase request or a used vehicle purchase request." (column 10, lines 20-22). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was

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made, to incorporate various configuration parameters into the system and method of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to allow a user to create a purchase request for a specific vehicle.

Referring to claims 6-8, and 20-22, Wolfe teaches the system of claims 1, 17, and 31, wherein a vehicle parameter of the search reply message comprises: a vehicle status; a list of configured model parameters, including: a price, a make, a model, a dealer identifier, an engine specification, a transmission specification, an exterior paint color, a wheel specification, a seat fabric specification, an interior color, and an audio system specification (Figure 15; column 10, lines 15-29). Wolfe and Peterson do not explicitly teach that the reply message comprises: a vehicle identifier, a tire specification, a drive specification, a cab specification, a body style specification, a real axle ratio specification, a pay load package specification, a wheel base specification, a roof color, a door specification, an accent color, a spare tire specification, a PEP specification, an option package specification, and a stand alone package specification. However, it would have obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate all of this information into the system and method of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of the vehicle as well as all of the available options and the convenience of referencing the vehicle by a unique vehicle identifier when contacting the dealer.

Referring to claim 9, Wolfe teaches the system of claims 1 and 17, further comprising: a tag request message including: order information associated with the tag

request; contact information of the user; credit authorization information; tagged vehicle parameters (column 11, lines 9-33).

Referring to claims 11 and 25, Wolfe teaches the system of claims 9, 23, and 37 as noted above. Furthermore, Wolfe teaches a customer identifier, a customer name, a customer address, a customer email address; and a specification of a best way to contact the customer (Figure 7, item 722; column 11, lines 9-33). Wolfe and Peterson do not explicitly teach a customer daytime telephone number, a customer evening telephone number, and a customer facsimile number. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this information into the system and method of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a car dealer with a plurality of ways of contacting a potential customer.

Referring to claims 12 and 26, Wolfe teaches the limitations of claims 9, 23, and 37 as noted above. Wolfe and Peterson do not explicitly teach that the credit card authorization information comprises a credit card authorization number. However, Official Notice is taken that it is well known in the art for a consumer to provide a credit card number in an online shopping environment. One of ordinary skill in the art would have been motivated to do so in order to facilitate an electronic transaction.

Referring to claims 15 and 29, Wolfe teaches a tag status message generated in response to processing a tag request message (Figure 15).

Referring to claims 16 and 30, Wolfe and Peterson do not teach all the information enumerated by the applicant. However, please note that it would have been

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obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate any information into the web page of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of a vehicle.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and further in view of Tittel et al "XML for Dummies".

Referring to claim 2, the cited prior art teaches all of the limitations of claims 1, 31, and 45 as noted above. The prior art does not teach that the search request and reply messages are in XML. However, Tittel teaches the benefits of incorporating XML into an HTML document (pages 27-42). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, incorporate the teachings of Tittel into the system of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to gain all of the advantages offered by XML as taught by Tittel.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson et al. (US 6,324,522 B2) and further in view of Official Notice.

Referring to claims 5 and 19, Wolfe teaches a weight attribute indicate of a search weighting of the criterion (column 4, lines 57-65; column 8, lines 6-21). Wolfe and Peterson do not teach a requirement attribute indicative of whether the criterion is required. However, Official Notice is taken that it is well known in the art to require a

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user to enter a criterion in an online shopping environment. One of ordinary skill in the art would have been motivated to do so in order to ensure that a customer had a valid license, e-mail, address, or sufficient resources to complete a transaction.

Claims 13, 14, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US Patent 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and further in view of Korth et al "Database System Concepts".

Referring to claim 13 and 27, Wolfe and Peterson teaches the limitations of claims 1, 17, and 31 as noted above. Furthermore, Wolfe teaches a stock number, a plurality of vehicle configuration parameters, a dealer identifier, an initial status indicative of whether the vehicle is new or used, and a search identifier specifying the selected vehicle configuration (Figures 5, 7, and 8; column 9, lines 49-60; column 11, lines 9-33, lines 43-57). Wolfe does not explicitly teach a vehicle identifier. However, it would have obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a vehicle identifier into the system of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with the convenience of contacting the dealer directly and referencing the vehicle by a unique vehicle identifier. Wolfe also does not teach an item number or an order line number. However, Korth teaches a system for managing records in a database that includes a superkey for uniquely identifying an entity in an entity set (page 30-31). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Korth into the system of Wolfe. One of ordinary

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skill in the art would have been motivated to do so in order to uniquely identify an entity in entity set by its attributes.

Referring to claims 14, 28, Wolfe, Peterson, and Korth do not explicitly teach that the vehicle configuration parameters comprises: a tire specification, a drive specification, a cab specification, a body style specification, a real axle ratio specification, a payload package specification, a wheel base specification, a roof color, a door specification, an accent color, a spare tire specification, a PEP specification, an option package specification, and a stand alone package specification. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate all of this information into the system of Wolfe and Korth. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of the vehicle as well as all of the available options and the convenience of referencing the vehicle by a unique vehicle identifier when contacting the dealer.

Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US Patent 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and further in view of St. Laurent "Cookies".

Wolfe and Peterson teach all the limitations of claim 9 as noted above. Wolfe also teaches that the order information comprises: an order number, an order total price, an order date, an order time, a dealer identifier, and a payment method (Figures 7, items 702, 706, and 726; Figure 8, items 806 and 820; Figures 15 and 17). Wolfe and Peterson does not teach a deposit amount. However, it would have been obvious

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to one of ordinary skill in the art, at the time the invention was made, to include a deposit amount into the system of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to allow a customer to reserve a vehicle. Wolfe and Peterson also do not teach a source identifier associated with the web site from which the tag request originated, or a session identifier of the online session during which the tag request was submitted. However, St. Laurent teaches the use of cookies as a source and session identifier in an online environment (page 2).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of St. Laurent into the system of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to maintain state in an online environment, as taught by St. Laurent.

Claims 31, 34-37, 39, 40, and 43-45, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson et al. (US 6,324,522 B2) and further in view of Brockman (US 5,884,300).

Referring to claim 31 and 45, Wolfe teaches a method, comprising:

- receive a computerized search request message including at least one search criteria (column 6, lines 31-33; column 10, lines 19-24) and a weighting of each criterion (column 4, lines 57-65; column 8, lines 6-21);
- communicate a computerized a search reply message in response to processing the search request message, the search reply message including a list of products matching at least one search criteria including: a list of vehicles matching the at least one search criteria (Figure 15), and

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a plurality of vehicle configuration parameters of the vehicles matching at least one search criteria, including vehicle identifier, make, model, dealer identifier, price, and color (Figures 3, 4, and 15);

- receive a computerized tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including: the vehicle identifier and a first dealer identifier of a first dealer having the tagged vehicle in inventory (Figure 3, item "302"; Figure 5, items "302", "502", and "508").

Wolfe does not teach a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory. However, Peterson teaches a system and method for distributing information about inventory levels among vendors (dealers) wherein a first vendor sells an item to a second vendor out of the first vendor's inventory (Abstract; column 1, lines 35-49; column 4 lines 3-13). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Peterson into the system and method of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to allow a vendor (dealer) to provide a customer with an item that the vendor did not have in its inventory by purchasing the item from another vendor. The cited prior art does not teach products in-transit and in-process products. However, Brockman teaches a method of inventory management within a supply chain (column 1, lines 25-42). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Brockman into the method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in

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order to eliminate the inefficiencies present in the supply chain and rapidly respond to market conditions and consumer demand, as taught by Brockman (column 1, lines 26-33). Wolfe, Peterson, and Brockman do not teach that the second dealer is selected by the user. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to do so. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a dealer that was geographically close to the customer.

Referring to claims 34-36, Wolfe teaches the system of claim 31, wherein a vehicle parameter of the search reply message comprises: a vehicle status; a list of configured model parameters, including: a price, a make, a model, a dealer identifier, an engine specification, a transmission specification, an exterior paint color, a wheel specification, a seat fabric specification, an interior color, and an audio system specification (Figure 15; column 10, lines 15-29). Wolfe and Peterson do not explicitly teach that the reply message comprises: a vehicle identifier, a tire specification, a drive specification, a cab specification, a body style specification, a real axle ratio specification, a pay load package specification, a wheel base specification, a roof color, a door specification, an accent color, a spare tire specification, a PEP specification, an option package specification, and a stand alone package specification. However, it would have obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate all of this information into the system and method of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of the vehicle as well as all of the

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available options and the convenience of referencing the vehicle by a unique vehicle identifier when contacting the dealer.

Referring to claim 37, Wolfe further teaches a tag request message including: order information associated with the tag request; contact information of the user; credit authorization information; tagged vehicle parameters (column 11, lines 9-33).

Referring to claim 39, Wolfe teaches the system of claims 9, 23, and 37 as noted above. Furthermore, Wolfe teaches a customer identifier, a customer name, a customer address, a customer email address; and a specification of a best way to contact the customer (Figure 7, item 722; column 11, lines 9-33). Wolfe and Peterson do not explicitly teach a customer daytime telephone number, a customer evening telephone number, and a customer facsimile number. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this information into the system and method of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a car dealer with a plurality of ways of contacting a potential customer.

Referring to claim 40, Wolfe teaches the limitations of claims 9, 23, and 37 as noted above. Wolfe and Peterson do not explicitly teach that the credit card authorization information comprises a credit card authorization number. However, Official Notice is taken that it is well known in the art for a consumer to provide a credit card number in an online shopping environment. One of ordinary skill in the art would have been motivated to do so in order to facilitate an electronic transaction.

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Referring to claim 43, Wolfe teaches a tag status message generated in response to processing a tag request message (Figure 15).

Referring to claim 44, Wolfe, Peterson, and Brockman do not teach all the information enumerated by the applicant. However, please note that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate any information into the web page of Wolfe and Peterson. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of a vehicle.

Referring to claim 49, Wolfe teaches importing in-inventory product availability data from dealerships, and importing in-process product availability data from an enterprise database (column 7, lines 1-9; column 9, lines 41-47; column 12, lines 40-49).

Claims 32, 33, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and Brockman (US 5,884,300) and further in view of Tittel et al "XML for Dummies".

Referring to claims 32, 33, and 47, the cited prior art teaches all of the limitations of claims 1, 31, and 45 as noted above. The prior art does not teach that the search request and reply messages are in XML. However, Tittel teaches the benefits of incorporating XML into an HTML document (pages 27-42). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, incorporate the teachings of Tittel into the cited prior art. One of ordinary skill in the art

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would have been motivated to do so in order to gain all of the advantages offered by XML as taught by Tittel.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US Patent 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and Brockman (US 5,884,300) and further in view of St. Laurent "Cookies".

Wolfe, Peterson, and Brockman teach all the limitations of claim 37 as noted above. Wolfe also teaches that the order information comprises: an order number, an order total price, an order date, an order time, a dealer identifier, and a payment method (Figures 7, items 702, 706, and 726; Figure 8, items 806 and 820; Figures 15 and 17). Wolfe, Peterson, and Brockman do not teach a deposit amount. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a deposit amount into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a customer to reserve a vehicle. Wolfe, Peterson, and Brockman also do not teach a source identifier associated with the web site from which the tag request originated, or a session identifier of the online session during which the tag request was submitted. However, St. Laurent teaches the use of cookies as a source and session identifier in an online environment (page 2). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of St. Laurent into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to maintain state in an online environment, as taught by St. Laurent.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US Patent 6,282,517 B1) in view of Peterson (US 6,324,522 B2) and Brockman (US 5,884,300) and further in view of Korth et al "Database System Concepts".

Referring to claim 41, Wolfe, Peterson, and Brockman teach the limitations of claim 31 as noted above. Furthermore, Wolfe teaches a stock number, a plurality of vehicle configuration parameters, a dealer identifier, an initial status indicative of whether the vehicle is new or used, and a search identifier specifying the selected vehicle configuration (Figures 5, 7, and 8; column 9, lines 49-60; column 11, lines 9-33, lines 43-57). Wolfe does not explicitly teach a vehicle identifier. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a vehicle identifier into the system of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with the convenience of contacting the dealer directly and referencing the vehicle by a unique vehicle identifier. Wolfe also does not teach an item number or an order line number. However, Korth teaches a system for managing records in a database that includes a superkey for uniquely identifying an entity in an entity set (page 30-31). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Korth into the system of Wolfe. One of ordinary skill in the art would have been motivated to do so in order to uniquely identify an entity in entity set by its attributes.

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Referring to claim 42, Wolfe, Peterson, Brockman, and Korth do not explicitly teach that the vehicle configuration parameters comprises: a tire specification, a drive specification, a cab specification, a body style specification, a real axle ratio specification, a pay load package specification, a wheel base specification, a roof color, a door specification, an accent color, a spare tire specification, a PEP specification, an option package specification, and a stand alone package specification. However, it would have obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate all of this information into the system of Wolfe and Korth. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with a complete description of the vehicle as well as all of the available options and the convenience of referencing the vehicle by a unique vehicle identifier when contacting the dealer.

Claims 46, 48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 6,282,517 B1) in view of Peterson et al. (US 6,324,522 B2) and Brockman (US 5,884,300) and further in view of Official Notice.

Referring to claims 46, 48, and 50, Wolfe teaches the limitations of claim 45 as noted above. Furthermore Wolfe teaches that the search reply message comprises compiling a list of products and respective configuration data (Figures 14, 15, and 16). Wolfe, Peterson, and Brockman do not teach providing a percentage value for each product in the list indicative of the degree of match between the product and the configuration data contained in the search request message. However, Official Notice is taken that it is well known in the art to provide a search result with a percentage value

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for each product in a list indicative of the degree of match between the product and the data contained in a search request. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a percentage value into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to see which products closely matched his or her search request.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Referring to claim 1, the Applicant has argued that Wolfe does not teach the limitation "a tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including the vehicle identifier." The Examiner respectfully disagrees. The Applicant's specification teaches that a tag is an indication by a user to purchase or hold a vehicle (see specification page 5, lines 11-21; page 13, lines 27-30; page 22, lines 3-8; page 25, lines 9-24). Therefore the limitation "a tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including the vehicle identifier" is a message which includes a vehicle identifier and indicates a user's desire to purchase or hold the identified vehicle. Wolfe explicitly teaches that a user can identify a particular vehicle and indicate a desire to purchase or hold the vehicle (Figure 15). When a user clicks the "Request this Vehicle" button a message is generated which indicates a desire to purchase the identified vehicle. The Applicant has also

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argued that the Wolfe-Yamada combination is an improper combination under 35 U.S.C. 103. These arguments are moot in view of the new grounds of rejection.

Applicant's arguments with respect to the Berent-Yamada-Tittel combination have been fully considered and are persuasive. This rejection is hereby withdrawn.

Conclusion

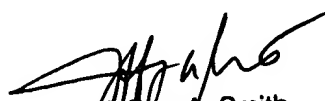
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
Art Unit 3625
April 30, 2004



Jeffrey A. Smith
Primary Examiner